

PTO/SB/97 (09-04)

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10/762721

SS2910USCNT1

PETITION TO MAKE SPECIAL UNDER MPEP 708.02II (2 PAGES)

PETITION FEE FORM PTO/SB/17p

Page 1 of 1

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rev. 10/93

**PATENT  
EXPEDITED HANDLING**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE APPLICATION OF:

EDGAR N. RUDISILL ET AL.

CASE NO.: SS2910 US CNT1

APPLICATION NO.: 10,762,721

GROUP ART UNIT: 1771

FILED: JANUARY 22, 2004

EXAMINER: NORCA LIZ TORRES  
VELAZQUEZ

FOR: LOW OR SUB-DENIER NONWOVEN FIBROUS STRUCTURES

**PETITION TO MAKE SPECIAL  
UNDER MPEP 708.02 II**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**NOV 23 2004**

Sir:

The Applicants hereby petition under 37 C.F.R. §1.102(d) to make "special" the above-referenced patent application, pursuant to MPEP 708.02 II, due to actual infringement.

Application No.: 09/467268  
Docket No.: SS2910USCIP1

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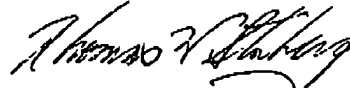
Applicants respectfully request that the present application be made special, in view of the following circumstances:

- (A) There is an infringing device actually on the market;
- (B) A rigid comparison of the alleged infringing device with the claims of the application has been made and in my opinion, some of the present claims are unquestionably infringed; and
- (C) I have made or caused to be made a careful and thorough search of the prior art, and have good knowledge of the pertinent prior art.

The most pertinent prior art has been submitted in the form of the Information Disclosure Statements which have been filed in this application and as such are already of record in the present application.

Grant of this petition is therefore expeditiously requested. Please charge the \$130.00 fee required by 37 C.F.R. §1.17(h) required by this Petition to DuPont Deposit Account 04-1928. If this amount is insufficient, you are hereby authorized to charge any surplus or credit any overpayment to the same Deposit Account.

Respectfully submitted,



**THOMAS W. STEINBERG**  
ATTORNEY FOR APPLICANTS  
Registration No.: 37,013  
Telephone: (302) 892-0887  
Facsimile: (302) 892-7343

Dated: 11/23/04  
TWS:fgl  
Enclosures

PTO/SB/17p (11-04)

Approved for use through 07/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/762721
Filing Date	January 22, 2004
First Named Inventor	Edgar N. Rudisill
Art Unit	1771
Examiner Name	NORCA LIZ TORRES VELAZQUEZ
Attorney Docket Number	SS2910USCNT1

Enclosed is a petition filed under 37 CFR §1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-1928:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(a) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

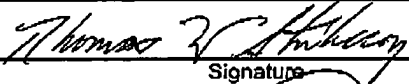
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.856 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:


- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of patent.



Signature

Thomas W. Steinberg

Typed or printed name



Date

37.013

Registration No., if applicable

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